FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.171 OF 2006
IN
CRIMINAL APPEAL NO.165 OF 2006

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.S.J.Patil for the applicants.

Mrs.M.H.Mhatre APP for the State.

Coram : R.S.Mohite,J

Date : 24.2.2006.

PC

1. This is an application for grant of bail. I am not inclined to grant bail in this case in the gross facts of this case. The applicants are members of the well to do family. The prosecution case was that the deceased Tanuja and her husband alongwith the child had come to Sangli city in search of some employment. The husband of the deceased Tanuja PW-4 Babasaheb Shastri was working as a tailor and the deceased Tanuja was working as a maid servant in the house of the

applicant no.2. The dying declaration of Tanuja indicates that the applicant nos.1 & 2 asked her whether she had some money to spare as they were indebted to the bank. The deceased though a very poor person, offerred gold ornaments to them. Accused nos.1 & 2 promised to repay the bank loan and return her gold ornaments. However, later on, when she started asking for return of the ornaments, they refused to return the same. On 27.11.2003 accused no.1 had been to her house where her husband was present. Both the husband and wife prayed for return of their gold ornaments but accused no.1 told them that gold ornaments would not be returned.

2. Feeling very sad and upset about the fact that her gold ornaments would not be returned, deceased Tanuja poured kerosene on herself on 28.11.2003 and went to the house of accused. Inspite of seeing her in this condition, no

assurance was given to her and therefore, she set herself on fire and committed suicide. Some persons residing their house went to see her and she has made a dying declaration to them. Written dying declaration is also recorded by the police officer. In my view, taking into account the aforesaid facts, this is not a fit case to grant bail to the applicant nos.1 & 2. Their bail applications are therefore, rejected. As far as applicant no.3 is concerned, there is no specific role attributed to her in the taking of the ornaments. In the circumstances, applicant no.3 may be released on the same bail as in the trial Court subject to her furnishing fresh bond. Hearing of the appeal is expedited.

(R.S.Mohite,J)